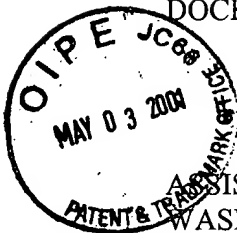
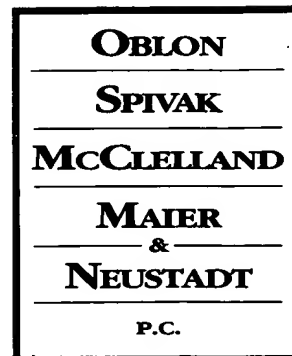


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DOCKET NO: 193618US3X PCT



ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231



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Re: U.S. Application
Serial No: 09/582,623
Filed: July 21, 2000
Group: 3641
Inventor: Rene CHIOCCA, et al.
For: DEVICE FOR TRANSVERSE
IMMOBILIZATION OF
NUCLEAR FUEL ASSEMBLIES INSIDE
TRANSPORT CONTAINERS

RECEIVED

SIR:

Attached hereto for filing are the following papers:

MAY 08 2001

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

TO 3600 MAIL ROOM

Our check in the amount of \$0.00 is attached covering any required fees. In the event that any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 CFR 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is attached.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Gregory J. Maier
Attorney of Record
Registration No. 25,599
Christopher D. Ward
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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Election #9
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MAY 08 2001

TO 3600 MAIL ROOM

IN RE APPLICATION OF :
Rene CHIOCCA, et al. : EXAMINER: BEHREND, H.
SERIAL NO: 09/582,623 :
FILED: July 21, 2000 : GROUP ART UNIT: 3641
FOR: DEVICE FOR TRANSVERSE :
IMMOBILIZATION OF
NUCLEAR FUEL
ASSEMBLIES INSIDE
TRANSPORT CONTAINERS

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

In response to the election of species requirement dated April 3, 2001, the Applicants elect with traverse Group II utilizing a guide element and a traverse guide element with a return spring, and identify Claims 17-32 as reading on this species. Additionally, the Applicants elect with traverse species D depicted in Figure 5, and identify Claims 17-21, 27, 29, 31, and 32 as reading on this species.

Applicants respectfully traverse the election requirement for several reasons.

First, the outstanding Official Action merely includes the conclusory statement that "the application contains claims directed to ... patentably distinct species ..." without stating

any basis whatsoever in support of such a finding. This is in violation of MPEP §816, which states:

The particular reasons relied on by the examiner for holding the inventions as claimed are either independent or distinct should be concisely stated. A mere statement of conclusion is inadequate. The reasons upon which the conclusion is based should be given. ...

In the absence of any annunciated basis, it is respectfully submitted that the PTO clearly has not carried forward its burden of proof to establish distinctness.

Secondly, MPEP § 806.04(f) requires:

Claims to be restricted to different species must be mutually exclusive. ..

The outstanding Official Action fails to address in any way whether the pending claims recite mutually exclusive characteristics and this failure provides a further basis for traversing the election requirement.

Finally, MPEP § 803 states:

... If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

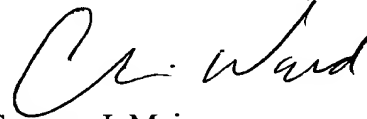
The claims of the present invention would appear to be part of an overlapping search area.

Accordingly, the Applicants also respectfully traverse the outstanding election requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner.

Therefore, it is respectfully requested that the requirement to elect a single species be withdrawn, and that a full examination on the merits of Claims 17-32 be conducted.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
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